

UNITED STATES ENVIRONMENTAL AGENCY REGION III
INTERAGENCY AGREEMENT SCOPE OF WORK
FOR DESIGN AND CONSTRUCTION
AT THE SHAFFER EQUIPMENT COMPANY SITE
MINDEN, FAYETTE COUNTY, WV



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IAG NO. DW969xxxxx-x, August 1999

I. INTRODUCTION:

The U.S. Army Corps of Engineers (USACE) provides a variety of services and support for the Environmental Protection Agency (EPA) Region III office for Enforcement and Technical Oversight on Superfund activities. Typical assignments are for supporting Superfund Removal projects and providing oversight for site response actions performed by responsible parties under orders or agreements with EPA.

II. PURPOSE:

The Office of Superfund has reviewed its technical needs in carrying out the Shaffer Equipment Company Site Removal Action and is establishing this agreement to provide funding for technical assistance and construction management to USACE.

III. BACKGROUND:

The Shaffer Equipment Company Site (Site) is located along Arbuckle Creek, in Minden, Fayette County, West Virginia. The Site is a long narrow area approximately 5 acres in size that is subject to frequent flooding from the adjacent creek. The Site is in a valley that drains to the Northeast into the New River Gorge, a National Wild and Scenic River Area. The Site is on the border of the Thurmond and Oak Hill United States Geological Survey topographical maps at 38 degrees, 58 minutes, 35 seconds North latitude and 81 degrees, 7 minutes, 38 seconds West longitude.

The results of the file review, Site sampling, and geological investigation have confirmed the presence of PCB contamination at the Site. The primary concern is characterized as surface and sub-surface soil/dust contamination in and around the Shaffer Equipment Company building. Poly-chlorinated Biphenyl (PCB) is a hazardous substance as defined in Section 101 (14) CERCLA as amended, 42 U.S.C. § 9601 (14), because it is listed at 40 C.F.R § 302.4.

The routes of exposure are through direct contact, inhalation and/or ingestion of contaminated soils/dusts. The history of periodic flooding; evidence of manmade disturbances to the initial mitigating remedy (soil cover) from EPA's previous removal; vandalism to the building, fences, and gates; areas of erosion of the surface soils and the overall deterioration of the property are evidence of the potential threat of offsite migration of the PCB contaminated soils/dusts.

In October 1997, the USACE was issued a non-site specific interagency agreement (IAG # DW96943857-01-0 AWF #5) which requested the Corps to: 1) review site reports provided by EPA OSC, 2) perform a site visit with the OSC to inspect the site conditions, and 3) provide technical assistance in the review of remedy options and implementation. On October 9, 1997 the USACE performed a site visit with the EPA OSC and received the following reports for review:

"Findings of the Data Search Regarding PCBs at the Shaffer Electric Company Site", Minden, Fayette County, West Virginia (TAT, 1993)

"Site Trip Report", Shaffer Electric Company Site, Minden, Fayette County, WV (January 3, 1994)

"Expanded Contamination Study Work Plan", Shaffer Electric Company Site, Minden, Fayette County, WV (January 27, 1994)

"Geological site Investigation and Evaluation", Shaffer Electric Company Site, Minden, West Virginia (July 1995)

"Long Term Remedy Options", Shaffer Equipment Company Site, Minden, Fayette County., WV (September 1996)

A follow up Site visit by EPA and the ACOE on December 2, 1997 further clarified the scope of the review and extent of the planned work. Future land use and potential institutional controls were raised as actions required to make the selected remedy protective. Note: EPA OSC shall be responsible for any agreements between other agencies and/or property owners having an interest or responsibility in the site.

IV. SCOPE OF SERVICES

A. Technical Assistance and Design Support.

1. Preparing an initial work plan and /or scope of work for selected remedy. This can include visits to meet with Region II and EPA staff as well as familiarization site visits. This may include developing the technical statement of work, awarding and managing a contract to a private firm for the design of the selected remedy.
2. Attend public and or interagency meetings to provide technical support for EPA On Scene Coordinator (OSC).
3. Preparing and/or overseeing selected remedy design products for the site. Treatability studies shall not be performed for the remedy design. The design package shall consist of plans and specifications, along with necessary O&M plans, Quality Assurance Project Plan (QAPP), Site Safety Plans, etc.

4. Preparing cost estimates and supporting cost documentation for site remedial activities. The cost estimating support can be for either the initial construction contract or modifications or change orders.
5. Providing Quality Control / Quality Assurance reviews for design products. These reviews can be at traditional completion phases (30, 60, or 90 percent or final design products) or at any point that EPA requests. These reviews can also be conducted for biddability, constructibility, operability (BCO) of the designs.
6. Conducting value engineering screening to assess the need for value engineering study. Conducting value engineering studies when indicated.
7. Reproducing design documents.

B. Other Technical Assistance, Contract and Construction Support.

1. Preparing contract documents and provide contracting services for advertisement, Offer and Award of selected remedy construction contract.
2. Providing support to EPA through field oversight, inspection services and technical review and cost estimating for contract change orders.
3. Participation in field visits to observe significant contractor activities.
4. Performing engineering reviews.
5. Providing survey and topographical mapping support. Note: the national Park Service property boundaries and utility locations will be provided to USACE for remedy design.
6. Providing construction management, contract administration and oversight.
7. Providing other support to include permit assistance, community relations assistance, etc.
8. Preparing construction documentation and final report.

V. USACE MANAGEMENT AND OVERSIGHT

The USACE IAG Project Officer must assure that the field office can provide the services requested by EPA and that a knowledgeable USACE project manager (PM) is assigned. The USACE project officer will assure that the mechanisms are in place to authorize the performing USACE District office to expend funds consistent with the IAG as the lead USACE official for the IAG. The USACE project officer is responsible for assuring to EPA that all provisions of the IAG are being met.

VI. COST DOCUMENTATION REQUIREMENTS

USACE agrees to meet the site-specific financial management and record keeping responsibilities contained in EPA's "Superfund Financial Management and Record keeping Guidance for Federal Agencies" (January 1989). In order to help assure oversight and successful recovery of CERCLA funds, both USACE and EPA have

responsibilities under this agreement. USACE accounting system reports must be supported by site and activity specific cost documentation. USACE will organize and retain in a Site file, documentation of costs by site and activity (e.g. vouchers, billing statements, evidence of payment, audit reports) as follows:

A. Direct Costs

1. Payroll - time sheets or time cards to support hours charged to a particular site, including the signature of the employee and/or the employee's supervisor.
2. Travel - travel authorization (including purpose of trip), local travel vouchers, travelers's reimbursement vouchers, carrier bills (including airline tickets), government owned vehicle bills, appropriate receipts for hotel, car rental, etc., proof of payment. Proof of payment is satisfied by providing a copy of the accomplished SF 1166 "voucher and schedule of Payment" or equivalent.
3. Contractor services - copies of contracts, requests for proposals (RFPs), detailed evaluation of contractor bids, certified contractor invoices, USACE PM approval of invoices, proof of payment. Proof of payment is satisfied by providing a copy of the accomplished SF 1166 or equivalent.
4. Supplies and Equipment - Written EPA authorization to purchase non-expendable property of \$1,000.00 or more, vendor invoices, proof of payments, and hourly records of equipment use, when applicable.
5. Any other direct costs not included in the above categories.

B. Indirect Costs

If indirect costs are not calculated by the USACE accounting system, a work sheet showing calculations of indirect costs charged to a site will be retained by USACE. Under this IAG, USACE certifies: 1) that any indirect costs included in billings to EPA represent, in accordance with GAO principles, indirect costs that would not have been otherwise incurred by USACE, or 2) that explicit Congressional authority exists for charging other than incremental costs of performance.

VII. REPORTING REQUIREMENTS

- A. USACE PM shall prepare a status report and submit it to the designated EPA Project Officer (2 copies) and the USACE IAG manager (2 copies). The schedule shall be mutually agreed upon based on the projected duration of the project. The EPA PO will forward one copy to the OSC. The status report shall contain the following:

1. Site Name
2. IAG number and title.

3. Superfund Site Account Number.
 4. Summary of work performed. This section should include specifics on the documents reviewed, meetings attended and people involved. This section should allow the OSC and the PO to clearly understand what was accomplished during the period.
 5. Estimate of the percentage of the project completed. Also include prospects for completing this assignment on schedule and within budget.
 6. Projected work for the next reporting period.
 7. Scheduled date for completing the IAG assignment.
 8. Accounting of funds expended which includes a tabulation that displays total funds authorized, funds expended during the reporting period, total funds expended, remaining funds, and any projected overrun in total funds required. This should also include a budget category cost breakdown and a listing of personnel working on the assignment and their charges for the period.
 9. For any contracts used in the assignment, provide the contract number(s), contract modifications and summaries of all contract change orders and claims made during the reporting period.
 10. Summaries of all contacts with representatives of the local community, public interest groups, or State government during the reporting period.
 11. A copy of the Request for Reimbursement (SF 1080) for the IAG as submitted to the EPA Financial Management Center, Cincinnati, for payment during the reporting month. If no SF 1080 is submitted for that month, include that information in the report. SF 1080 payment information shall be explained to the Project Officer and the OSC through the monthly status reports or other supplemental information, as needed.
- B. The USACE PM will prepare a monthly billing to EPA. All costs including any contract costs will be paid of a reimbursable basis for this IAG, and USACE will submit a complete and signed Request for Reimbursement (SF 1080) to the EPA Financial Management Center, Cincinnati, containing the IAG number and, as appropriate, USACE costs by budget category.
- C. Final IAG payment requests for contract and in-house costs shall be reviewed and approved by the EPA OSC and the EPA IAG PO prior to being forwarded to the EPA Financial Management Center, Cincinnati, for payment.
- D. The USACE PM will submit to the PO two (2) copies of a final report within 30 days after all activities in the IAG scope of work have been completed. This report will briefly summarize the activities of the assignment and reference all deliverables that have been provided to the OSC. If there are significant activities that have not been previously reported to EPA, then the final report will include that information. The final report will either be accompanied by the final billing or indicate when the final billing will be submitted. Final billings shall be submitted within 60 days of the completion of the final assignment activities.

- E. USACE will provide a final inventory of property, within one month of the end of the IAG performance period, describing the condition of each item. USACE will require all contractors to provide a final inventory of property prior to their final contract payment.

VIII. COST RECOVERY

In the event of a contemplated cost recovery action, USACE will provide to EPA or the Department of Justice (DOJ) a cost documentation package detailing site-specific costs and including copies of the back up documentation. In some cases, the requests from EPA or DOJ may require that this documentation be provided in less than thirty days.

If additional time is required to comply with a request, USACE will negotiate with EPA or DOJ a schedule for responding. USACE will provide EPA with a contact for obtaining necessary site-specific accounting information and documentation.

IX. RECORD RETENTION REQUIREMENTS

USACE will retain the documents described in these "Special Conditions" for a minimum of ten years after submission of a final SF 1080 for the generic IAG; after which USACE must obtain written permission from the generic IAG PO or other authorized EPA officials before disposing of any of the records. USACE will require all contractors entering into cost reimbursable type contracts to establish and maintain cost documentation as described above. EPA will authorize any funds required for records retention at the initiation of the agreement for the services.

X. PROJECT SPECIFIC CONDITIONS

- A. USACE will invite, with reasonable notice, the EPA OSC to participate in any contractor meetings in which scope of the project and/or progress is discussed. Because the scope of Removal Action the use of contractors under this IAG is expected. The USACE PM will work out with the EPA OSC at the beginning of the project, EPA's and COE's preferred approach for being invited to attend any contractor meetings. The procedure for scheduling and establishing meetings will be covered in the scope of services.
- B. USACE will invite the EPA OSC to participate in the contractor selection process.
- C. The USACE IAG manager will regularly brief the EPA PO on the current status of the IAG. In addition, the USACE PM will regularly brief the EPA OSC on the current status of the assignment. Briefings will be monthly unless a different frequency is mutually agreed upon. Emphasis shall be placed on project budget, expenditure rates, and schedule.

- D. USACE personnel and its contractors will have the appropriate safety training and be involved in a medical monitoring program as specified in 29 CFR Part 1910; 51 CFR 45663 - and 45675; and Section 125(e) of CERCLA, as amended.
- E. USACE will have authority, with EPA comment, for approving Quality Assurance Project Plans (QAPPs), Sampling Analysis Plans (SAPs) which reflect environmental sampling and laboratory analysis, and Health and Safety Plans (HASPs).

XI. AUDITS

- A. Superfund cost documentation information must be available for audit or verification upon request of authorized auditing agencies.
- B. If an audit determines that any direct or indirect cost charged to EPA are unallowable, EPA will be notified immediately following the resolution of the audit.

XII. OTHER EPA INVOLVEMENT

- A. EPA will hold title to all property acquired with Superfund monies. EPA will provide USACE the property disposition instructions upon termination of the IAG. EPA will receive fair-market value for any property disposed of or used for non-Superfund activities.
- B. In the event EPA chooses to terminate the IAG prior to the end of the period of performance, USACE will submit a final report on the termination. See section VI, D. for final reporting requirements.
- C. EPA will allow reimbursement of the operating costs of ADP equipment owned by USACE and used for the purposes of the assignment.

XIII. SMALL AND DISADVANTAGED BUSINESS UTILIZATION (SADBU)

As a recipient of monies under this IAG, USACE must ensure to the fullest extent possible that at least 8 per cent of funds for contracts (either prime or subcontracts or in combination) or subgrants for supplies and services are made available to businesses owned or controlled by socially and economically disadvantaged individuals, women-owned businesses, and Historically Black Colleges and Universities. USACE PMs will coordinate with EPA OSCs on project management plans and contract acquisition plans to help assure that the EPA established goal for participation of small and disadvantaged including women owned business (SADBU) contractors can be met. USACE field organizations will report all SADBU Contracting awards and subcontracting activity in accordance with the HQ USACE established procedures and schedules in order to support the annual Superfund reporting requirements to EPA.